

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

WILLIAM FRANKLIN DOBROVOLNY,

Plaintiff,

No. CIV S-03-2244 FCD GGH P

vs.

C.K. PLILER, Warden, et al.,

Defendants.

ORDER

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Plaintiff, a state prisoner proceeding pro se, seeks relief under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local General Order No. 262.

On August 5, 2005, the magistrate judge filed findings and recommendations herein which were served on all parties and which contained notice to all parties that any objections to the findings and recommendations were to be filed within twenty days. Defendants have filed objections to the findings and recommendations.

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 72-304, this court has conducted a de novo review of this case. Having carefully reviewed the entire file, the court finds the findings and recommendations to be supported by the record and by proper analysis.

1 Accordingly, IT IS HEREBY ORDERED that:

2 1. The findings and recommendations filed August 5, 2005 are adopted in full;

3 and

4 2. Both plaintiff's October 7, 2004 motion for summary judgment is denied and  
5 defendants' March 28, 2005 cross-motion for summary judgment is denied; and

6 3. The dates for the pretrial conference and the trial will be re-set.

7 DATED: September 23, 2005

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9 /s/ Frank C. Damrell Jr.  
10 FRANK C. DAMRELL JR.  
11 United States District Judge  
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